

Alicia D. Boerin-Block,
Plaintiff,
v.
Carol Hamlet,
Defendant.

OPINION & ORDER

On February 14, 2012, Plaintiff filed a Motion for Reconsideration. (Dkt. # 17). In her motion, Plaintiff states that two crimes have been committed and are being overlooked. The court understands the importance of the alleged situation to the Plaintiff. However, as the Magistrate Judge noted in his Report, there simply are no allegations in the Complaint which would support federal jurisdiction. To establish a claim under § 1983, a plaintiff must prove two elements: (1) that the defendant “deprived [him] of a right secured by the Constitution and laws of the United States” and (2) that the defendant “deprived [him] of this constitutional right under color of [State]

statute, ordinance, regulation, custom, or usage.” *Mentavlos v. Anderson*, 249 F.3d 301, 310 (4th Cir. 2001) (citation and internal quotation marks omitted). Reviewing the allegations in the complaint, the private conduct alleged by the Plaintiff is not actionable under § 1983. Further, while the Plaintiff may potentially have alleged some state law claims, there is no basis for diversity jurisdiction alleged in the complaint which would allow her to bring those claims in federal court.

After carefully considering Plaintiff’s latest filing, the court has determined that its initial decision that the action should be dismissed without prejudice and without service of process was correct. Accordingly, Plaintiff’s Motion to Reconsider (Dkt. # 17) is **DENIED.**

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

February 15, 2012
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.